

1 BY MR. ALFORD:

2 No sir, with reference to this witness.

3 BY THE COURT:

4 All right, overruled. All right, we'll take a recess
5 until 8:30 in the morning.

6 (Whereupon the Court took a recess at 5:47 P. M.

7 on 10-10-67 until 8:30 A. M. on 10-11-67.

8 OCTOBER 11, 1967:

9 BY THE COURT:

10 Gentlemen, we are going to start a little night work
11 today. We are moving along a little too slowly.

12 The program today and you can make your plans
13 accordingly, will be that we will take a break about
14 3:30 this afternoon, and go along until about 6:00
15 o'clock and we'll take about a thirty minute break
16 there and then we'll work until about 8:30 tonight,
17 so make your plans accordingly.

18 WILLIAM DIAMOND, called as a witness for and on
19 behalf of Plaintiff, was sworn and testified as
20 follows:

21 DIRECT EXAMINATION

22 BY MR. DOAR:

23 Q State your name for the record please?

24 A William Diamond.

25 Q Where do you live?

- 1 A 31 Lawrence Road, Scarsdale, New York.
- 2 Q Would you state your occupation?
- 3 A Dentist.
- 4 Q Where is your office?
- 5 A 11157 New York City.
- 6 Q Could you give the reporter your office address
- 7 again?
- 8 A 111 West 57, New York City.
- 9 Q Are you licensed to practice dentistry in the
- 10 State of New York?
- 11 A Yes.
- 12 Q How long have you practiced?
- 13 A Forty-one years.
- 14 Q Did you know Mr. Andrew Goodman?
- 15 A Yes.
- 16 Q Was he a patient of yours?
- 17 A Yes.
- 18 Q Could you tell us how long you treated him?
- 19 A I treated him from 1950 until last time I saw
- 20 him was very early in June, 1964.
- 21 Q He was then a patient of yours?
- 22 A Yes.
- 23 Q In the ordinary course of your business do you
- 24 keep records with respect to your patients?
- 25 A Yes.

1 Q Could you tell us whether or not you kept such
2 a record for Andrew Goodman?

3 A Yes.

4 Q Do you have that record with you?

5 A Yes.

6 Q At the request of the federal bureau of
7 investigation did you prepare from your records
8 a dental chart of the teeth of Andrew Goodman?

9 A Yes.

10 Q Dr. Diamond, I wonder if you would look at
11 exhibit number 43, do you recognize that exhibit?

12 A Yes it is my writing and the chart that I made
13 out.

14 Q Does that chart accurately reflect the fillings
15 and other dental work that you performed in the
16 ordinary course of your business on Andrew
17 Goodman?

18 BY MR. WEIR:

19 We object to his leading his witness.

20 BY THE COURT:

21 Overruled, you may answer Doctor, go along.

22 BY THE WITNESS:

23 A Yes, this represents it except as I see it where
24 I have marked on the lower right on two teeth
25 gold fillings there should have been on this

1 chart here a notation, "gold foil filling" on
2 the upper right first molar, that is not marked
3 on this chart.

4 Q. Did you, at the time you furnished that chart to
5 the Federal Bureau of Investigation, furnish any
6 other records?

7 A. Yes, I have here on my right a word description
8 of this chart, and it is from this that I noticed
9 that the upper right first molar gold foil filling
10 was not noted on this chart, but it is noted
11 on this word description chart.

12 Q. Thank you.

13 BY THE COURT:

14 Any cross?

15 BY MR. WEIR:

16 Yes, Your Honor.

17 CROSS EXAMINATION

18 Q. Doctor, how do you spell that last name?

19 A. D I A M O N D.

20 Q. Now, Dr. Diamond, when was it that you found out
21 that the chart that you had made out there was
22 wrong?

23 A. I found out when I saw this chart here in Meridian
24 as I glanced, as I studied it and as I compared
25 it to with notes that I had made from my records

1 that this filling was not noted.

2 Q. When did you look at that exhibit and make that
3 discovery.

4 A. I looked at that exhibit on Monday of this week.

5 Q. Here in Meridian?

6 A. Here in Meridian.

7 Q. Well, did you tell the attorneys here that was
8 wrong Monday?

9 A. Yes, I did.

10 Q. They asked me to compare the chart with my notes.

11 Q. Which federal attorney did you tell that that
12 exhibit that they undertook to introduce yesterday
13 was wrong?

14 BY MR. HAUBERG:

15 We object to that if the Court please, that's
16 immaterial.

17 BY THE COURT:

18 Sustained.

19 BY MR. WEIR:

20 Q. Anyway, you recognized it Monday that it was wrong

21 A. Just that specific omission.

22 Q. What is the omission from the chart that is wrong?

23 A. The upper right first molar is not marked on
24 the chart as a "gold foil filling" on this
25 upper right tooth where the gold foil fillings

1 on this upper tooth where the gold foil fillings
2 were specifically indicated on the chart when I
3 made the chart.

4 Q Then the chart is not accurate even right now is
5 it?

6 A Not unless I am accurately describing it.

7 Q Well, according to the drawing of the exhibit,
8 that part is wrong isn't it?

9 A Just the note of omission as far as accuracy is
10 perhaps, it is an omission, I should have written
11 gold foil filling because the others were silver
12 fillings

13 BY THE COURT:

14 Doctor, what does it show now where it should have
15 shown gold foil filling?

16 BY THE WITNESS:

17 The omission is just the notation of gold foil
18 filling.

19 BY THE COURT:

20 Yes sir, you've told all of us that, and we don't need
21 to pursue that any further. My question is, what
22 does your chart now show?

23 BY THE WITNESS:

24 There is a mark where gold foil filling is on the
25 chart but where on the lower it was designated gold

1 foil filling, this term is omitted on the chart
2 but it is marked.

3 BY THE COURT:

4 I see. So the chart is accurate but the legend
5 is omitted?

6 BY THE WITNESS:

7 Exactly.

8 BY THE COURT:

9 All right, now we all understand that, don't we Counsel
10 Let's go along.

11 BY MR. WEIR:

12 Q Well, there is a discrepancy also between that
13 chart and thiw written report as I understand it?

14 BY THE COURT:

15 We object to that Your Honor.

16 BY THE COURT:

17 Let's go along Counsel, let's don't pursue that
18 any further, we've just about run that dry.

19 BY MR. WEIR:

20 Your Honor please, would you indulge me just a moment?

21 Q Dr. Diamond Andrew Goodman was in New York during
22 the month of June, 1964?

23 A That is so.

24 Q Do you know what the date was when you last saw
25 him?

1 A I can't say exactly, but it was in early early
2 June.

3 Q You don't know where he had other dental work
4 done in June do you?

5 A No, I wouldn't know that.

6 Q Because you haven't seen him since then have you?

7 A No, I have not.

8 Q And he might have had all of the teeth pulled or
9 all of them capped and filled as far as you know
10 after that?

11 A That is true.

12 Q So you couldn't tell the Court and Jury that your
13 chart or report there is represented a true
14 condition of in regard to Andrew Goodman's dental
15 condition on June 21, 1964 could you?

16 BY MR. HAUBERG:

17 We object to that.

18 BY THE COURT:

19 Overruled.

20 BY MR. WEIR:

21 Q You couldn't do that could you?

22 A Would you mind repeating that question?

23 Q You can't tell the Court and Jury that the chart
24 that you have or the report that you made or even
25 your testimony that you've told us about Andrew

1 Goodman's dental condition was his same dental
2 condition on June 21, 1964 can you?

3 A. No. June 21st, in my interpretation, would be
4 later than what I had seen him.

5 Q. So therefore, you couldn't tell the Court and Jury
6 what his dental condition was on June 21, 1964?

7 BY MR. HAUBERG:

8 If the Court please, he has answered that.

9 BY THE COURT:

10 I believe he has too, but I thought we were concerned
11 about the 22nd or 23rd of June, but go along.

12 BY MR. WEIR:

13 Well, on June 22nd and June 23rd, you couldn't say
14 what his dental condition was, could you?

15 A. No I couldn't.

16 Q. Well, could you tell what his dental condition
17 was on August the 4th, 1964 could you?

18 A. No, I could not.

19 Q. Did the Federal Bureau of Investigation undertake
20 to get you to prepare this chart that you've
21 testified about? Did they come to you or did you
22 come to them?

23 A. I was requested by a Federal Bureau of Investigation
24 Agent in my office.

25 Q. If the Court please, I move the Court to exclude

1 the chart in evidence offered by this witness.

2 BY THE COURT:

3 Overruled.

4 BY MR. WEIR:

5 That's all, Your Honor.

6 (Whereupon witness excused)

7 EDWIN J. ROSS, called as a witness for and on behalf
8 of Plaintiff, was sworn and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. DOAR:

11 Q. Would you tell the Court and Jury your name?

12 A. Edwin J. Ross.

13 Q. Where do you live?

14 A. 711 Black Birch Road, Scarsdale, New York.

15 Q. What is your occupation?

16 A. I am a dentist.

17 Q. Where is your office?

18 A. 10 First Place, Mt. Vernon, New York.

19 Q. Are you licensed to practice in New York?

20 A. I am.

21 Q. How long have you practiced there?

22 A. Thirty years.

23 Q. Did you know Michael Schwerner?

24 A. Yes, I did.

25 Q. What were those circumstances?

- 1 A. He was a patient of mine for about twelve years.
- 2 Q. When was the last time that you saw him?
- 3 A. During the last part of 1962, October of 1962.
- 4 Q. Did you treat Michael Schwerner during that period?
- 5 A. I treated him regularly during the twelve years
- 6 previous to that.
- 7 Q. In the ordinary course of your business do you
- 8 keep a record of your patient's teeth who are
- 9 under your care?
- 10 A. Yes, I do.
- 11 Q. And did you at the request of an Agent of the
- 12 Federal Bureau of Investigation prepare a chart
- 13 of the work that you had done on Michael Schwerner
- 14 teeth during the period that you treated him?
- 15 A. Yes, I did.
- 16 Q. I would like to show you exhibit 44 and ask you
- 17 if you recognize that?
- 18 A. Yes, I do.
- 19 Q. What is it?
- 20 A. This is an accurate chart of Michael Schwerner's
- 21 mouth of all the restorations he had until the
- 22 last I saw him. This is a chart made up from
- 23 my records, all my records, and x-rays of the
- 24 most recent x-rays I had made of his mouth and
- 25 teeth.

1 Q Thank you.

2 CROSS EXAMINATION

3 BY MR. WEIR:

4 Q Did you say you are Dr. Black?

5 A Ross. R O S S.

6 Q Dr. Ross.

7 A Yes sir.

8 Q Dr. Ross, when was the last time that you examined
9 or saw Mr. Schwerner?

10 A October, 1962.

11 Q 1962.

12 A Yes sir.

13 Q So, you can't tell what his dental condition was
14 on June 21, 1964 can you?

15 A I believe I could, yes.

16 Q Even though you hadn't seen him since 1962?

17 A Yes sir.

18 Q In other words he could have had all of his teeth
19 pulled, had he had any pulled in 1962 or what was
20 his condition?

21 A It would have been incredible if he had. I have
22 a fairly good idea of what his condition was when
23 I saw him last, and I had seen him quite regularly
24 over a period of years, I could surmise what would
25 happen quite accurately for the next couple of

1 years from the last time I saw him.

2 Q But you don't know, do you?

3 A I don't exactly know.

4 Q And you can't tell this jury how many teeth he
5 had on June 21, 1964, can you?

6 A No.

7 Q And you couldn't tell how many teeth he had on
8 August 4, 1964, could you?

9 A No sir.

10 Q And you couldn't tell how many teeth he has now,
11 could you?

12 A No sir.

13 Q How long or how often had you seen him before
14 1962?

15 A Approximately once a year.

16 Q Just once a year?

17 A Yes.

18 Q Did you ever do any dental work on him?

19 A Sir?

20 Q Did you say you had done dental work for him?

21 A I had done all of his dental work I am quite
22 certain for at least twelve years previous to
23 that.

24 Q Do you know whether or not he was an athesit?

25 A I do not.

1 BY MR. DOAR:

2 We object as immaterial.

3 BY THE COURT:

4 Sustain.

5 BY MR. WEIR:

6 Q Would the Court indulge me just a moment?

7 BY THE COURT:

8 Yes sir.

9 BY MR. WEIR:

10 Q Doctor, this chart that you are talking about
11 you made that after August, 1964, didn't you?

12 A Yes, after August, I believe before August, 1964.

13 Q When was it made?

14 A I don't know exactly but I thought it was in the
15 Spring of 1964.

16 Q Didn't the Federal Bureau of Investigation ask
17 you to make it?

18 A Yes sir.

19 Q Well since they requested you to make it did
20 you make it before or after this alleged incident
21 occurred in the State of Mississippi?

22 A After.

23 Q But you couldn't even tell the Court and Jury
24 whether it was Spring, Summer or Fall that you
25 made it?

1 A. I believe it was in the Spring, I couldn't be
2 certain, I didn't make a record of the time when
3 I did this.

4 Q. Well, would you say it was early spring or late
5 spring?

6 BY MR. HAUBERG:

7 We object Your Honor, we don't think that is relevant.

8 BY THE COURT:

9 I'll let him answer if he can.

10 BY MR. WEIR:

11 Q. You may answer it.

12 A. I think it was late Spring, but I may be wrong.

13 Q. You may be wrong. Now, that is not your official
14 records then, is it?

15 A. No sir.

16 Q. And this is something that you have made up at
17 the request of the Federal Bureau of Investigation?

18 BY MR. HAUBERG:

19 He's answered that already.

20 BY THE COURT:

21 I sustain the objection.

22 BY MR. WEIR:

23 Q. Where are your actual official records concerning
24 this man?

25 A. They were in my office.

1 Q Where are they now?

2 A I can not find them now.

3 Q What's the reason you can not find them now?

4 A I can guess why I can't find them, but I don't
5 know exaetly why, but I can guess why I can't
6 find them now.

7 Q All right.

8 A I normally will keep records of a patient for
9 about a year after I have knowledge that they are
10 no longer living, and then I will normally get
11 rid of them.

12 Q How do you get rid of them?

13 BY MR. HAUBERG:

14 We object to that.

15 BY THE COURT:

16 Ithll let him answer it.

17 BY THE WITNESS:

18 A By throwing them away.

19 Q Burning?

20 A No, just throwing them away.

21 Q So the actual official records on Michael Schwerne
22 that you had have been thrown away.

23 A Probably, yes.

24 Q They weren't turned over the F. B. I.?

25 A No, they weren't turned over to the F. B. I.

1 A They saw them?

2 Q Your official records?

3 A They saw my official records, yes sir.

4 Q And after the F. B. I. saw your official records
5 they became lost, is that right?

6 A I guess so.

7 Q In other words, Dr. Ross, your official records
8 became lost after it became apparent that you
9 might testify in this case, would that be a
10 fair statement?

11 BY MR. HAUBERG:

12 We object to that.

13 BY THE COURT:

14 I'll let him answer it.

15 BY THE WITNESS:

16 A Absolutely not.

17 Q Why didn't you keep your official records after
18 you knew this case, didn't you know this case
19 had drawn world-wide publicity?

20 A Originally, I suppose so yea.

21 Q And even though you knew that this case had drawn
22 world wide attention, and even though you knew
23 that the Federal Bureau of Investigation had been
24 so concerned about it that they had come and
25 talked to you about it and looked at your official

1 records, you are telling this Court and Jury that
2 your official records have become lost?

3 BY MR. HAUBERG:

4 Your Honor, we object to his arguing with the witness.

5 BY THE COURT:

6 I'll sustain your objection. Rephrase your question
7 and don't argue, I'll let you do that at the proper
8 time.

9 BY MR. WEIR:

10 All right, Your Honor, I'll rephrase the question.

11 Q Were you requested by the Federal Bureau of
12 Investigation to keep your official accurate
13 records?

14 A No.

15 Q Were you, uh, whose idea was it that your records
16 become lost?

17 A This is the procedure in the office as I stated
18 before, that I do keep records for a short while
19 after a person becomes deceased but not forever,
20 because I can't keep all records for all time
21 in my office.

22 Q Did you inquire from anyone, or were you told by
23 anyone what the dental condition of Mr. Schwerner
24 was purported to be in 1964?

25 A Yes.

1 BY MR. HAUBERG:

2 We object to that, if it please the Court.

3 BY THE COURT:

4 Well, he's already answered it, I'll overrule the
5 objection.

6 BY MR. WEIR:

7 Q And was that the Federal Bureau of Investigation
8 that you talked to?

9 A Yes sir, it was.

10 Q Was that when your official records were lost?

11 A Oh, no sir. I said I keep the records for at
12 least a year after I have knowledge of the person
13 not being alive.

14 Q You had your official records then when you were
15 told by the Federal Bureau of Investigation what
16 Mr. Schwerner's dental condition was in 1964?

17 A Yes.

18 Q So after you were told that by the Federal
19 Bureau of Investigation, the official records
20 became lost and you prepared one chart at the
21 request of the Federal Bureau of Investigation?

22 BY MR. HAUBERG:

23 We object to that.

24 BY THE COURT:

25 I'll let him answer it this time and that will be the

1 the end of it, I don't want him to ask that anymore

2 BY THE WITNESS:

3 Q This is not so. I prepared this record the first
4 time that I saw the man from the Federal Bureau
5 of Investigation, which I am sure was a good year
6 before the records were lost, so I kept records
7 at least a year after I made this chart.

8 Q But you say your records are gone now and you have
9 to testify from memory or a chart that you pre-
10 pared at the request of the Federal Bureau of
11 Investigation.

12 A This is not memory. I am looking at my writing
13 both the chart and the writing, which illustrates
14 the chart, and I am certain this is my writing.
15 I don't have to remember any of this, I do
16 have a good memory along certain lines and
17 can visualize certain things, but not readin this,
18 this is not memory.

19 Q But if it were not for the chart you wouldn't be
20 able to tell the jury anything to any degree of
21 certainty, would you?

22 A Well, to some degree of certainty, yes, I can
23 recognize.

24 BY THE COURT:

25 Well if he didn't have the chart you would be com-

1 plaining about that so let's talk about the chart,
2 this man's not on trial, just find out what you
3 want to about what he knows about the facts and
4 let's get along.

5 BY MR. WEIR:

6 If the Court please, that's all I have.

7 BY THE COURT:

8 All right, next witness.

9 (Whereupon witness excused)

10 WILLIAM P. FEATHERSTONE, called as a witness for and
11 on behalf of Plaintiff was sworn and testified as
12 follows:

13 DIRECT EXAMINATION

14 BY MR. DOAR:

15 If the Court please, I would like to question this
16 witness about some x-rays during the course of his
17 testimony, if it would be permissible we have an
18 x-ray viewer in the area, if the Court would permit
19 us to place it on the table or somewhere.

20 BY THE COURT:

21 Well will it be so that everybody can see it?

22 BY MR. DOAR:

23 It would be so if it were placed on this table here,
24 Your Honor.

25 BY THE COURT:

1 Well, there are a lot of attorneys that will want to
2 see it, and of course the jury will want to see if
3 and this man will be wanting to testify from it
4 I'll let you start out on it but I don't know how
5 that's going to work out in this crowded courtroom.

6 BY MR. DOAR:

7 Q Will you tell the Court your full name please?

8 A William P. Featherstone.

9 Q Where do you live?

10 A Jackson, Mississippi.

11 Q What is your occupation?

12 A Physician.

13 Q Do you have any speciality?

14 A Yes sir.

15 Q What is that speciality?

16 A Pathology.

17 Q When you pathology, what do you mean?

18 A That is a study of disease.

19 Q Are you licensed to practice medicine in the State
20 of Mississippi?

21 A Yes.

22 Q How long have you been licensed?

23 A Since 1953.

24 Q In connection with your work as a pathology can
25 you tell me whether or not in the usual course of

- 1 business you performed autopsy?
- 2 A. Yes.
- 3 Q. And how frequently do you perform autopsy?
- 4 A. I would like to say that I perform at least fifty
- 5 autopsies at least per year, since 1949.
- 6 Q. And in the course of your medical practice have
- 7 you been called upon to express an expert opinion
- 8 as to the cause of a persons death?
- 9 A. Yes sir.
- 10 Q. And have you testified in a court in the past
- 11 based upon your findings to express your opinion?
- 12 A. Yes sir.
- 13 Q. I would like to ask you whether or not on the
- 14 night of August 4, 1964 if you examined three
- 15 bodies that were brought to your office, or
- 16 brought to Jackson, Mississippi?
- 17 A. Let's see, the morning of August the 5th, on the
- 18 late night of August 4th.
- 19 Q. Could you relate to the Court that examination?
- 20 A. You mean how I got involved?
- 21 Q. Yes.
- 22 A. As a private pathology in the absence of a medical
- 23 examiners system, we are often called upon by
- 24 the authorities to perform these cases, to perform
- 25 autopsies on people-----

1 BY THE COURT:

2 Can you hear him Bill?

3 COURT REPORTER:

4 No sir.

5 BY THE COURT:

6 Speak louder and into the microphone doctor.

7 BY THE WITNESS:

8 A. Approximately ten percent of the autopsies
9 that I perform this is the method in which I am
10 employed. On the night of August the 4th, I was
11 contacted by the Director of Public Safety, Colone
12 T. B. Birdsong, by telephone, who stated that
13 three bodies had been found. He requested that
14 I perform the postmortem examination upon these
15 bodies. He advised me that they were being trans-
16 ferred from the site where they had been found in
17 Philadelphia, or in the vicinity of Philadelphia,-

18 BY MR. HENDRICKS:

19 We object to that, Your Honor.

20 BY THE COURT:

21 Overruled, go along.

22 BY MR. DOAR:

23 Q. And where did you make the examination?

24 A. At the morgue of the University Hospital in
25 Jackson.

1 Q And when did it start?

2 A About 1:30 A. M.

3 Q Before commencing the examination was any
4 identification or markings placed upon the bodies?

5 BY MR. BUCKLEY:

6 To which we object, Your Honor, placing marks upon
7 the bodies, we would submit that would be hearsay.

8 BY THE COURT:

9 I'll let him describe what the identifications were
10 on those bodies, overruled.

11 BY THE WITNESS:

12 A The bodies were enclosed in a black plastic pouch
13 and they were accompanied by several people with
14 a person in charge of the transportation and of
15 the investigation, and F. B. I. Agent Jay Cochran
16 in charge in the investigation, he identified
17 these bodies as bodies number 1, number 2 and
18 number 3. This was the only identification that
19 I had at that time.

20 Q Doctor, did you make a general examination of
21 bodies number 1, number 2, and number 3?

22 A Yes sir, but I first made a preliminary request
23 that total body exams be made while they were
24 still enclosed in the black plastic containers.

25 Q And were x-rays carried out on these three bodies?

- 1 A. Yes sir.
- 2 Q. Did you then make an examination of the bodies?
- 3 A. Yes sir.
- 4 Q. Would you describe the appearance of body number 1?
- 5 A. Yes sir. The first body that I examined was that
- 6 of a white man, I must say that decomposition was
- 7 quite advanced and I made a general description
- 8 that the body was approximately 70 inches in
- 9 length, that the scalp hair was fine in texture
- 10 brown in color, and of course black hairs on
- 11 either side of the point of the chin, and I des-
- 12 cribed how the body was clothed, it had on blue
- 13 denims and boots, the upper portion of the body
- 14 was bear, no shirt.
- 15 Q. Did you make a general examination of body number
- 16 2?
- 17 A. Yes sir.
- 18 Q. Would you too relate that to the Court and Jury?
- 19 A. Again this upper part of the body was bear, it
- 20 was again a white man, scalp hair was brown and
- 21 quite fine in texture, the lower portion of the
- 22 body was clothed in black pants and black silk
- 23 like socks and black slippers. I also found
- 24 after unclothing the body that there was a shirt
- 25 underneath the shoulders.

1 BY THE COURT:

2 What was the height of that second body?

3 BY THE WITNESS:

4 I didn't record the height of this particular body,
5 Your Honor.

6 BY MR. DOAR:

7 Q. Did you make an examination of body number 3?

8 A. Yes sir.

9 Q. Tell the Court and Jury what that examination was?

10 A. This body was that of a negro male, and again
11 there was marked decomposition. I did not record
12 the height of this individual but the clothing
13 was tan-knitted cotton shirt covering the upper
14 part of the body, the lower part had on blue jeans
15 The hands were wrapped in clear plastic. That is
16 roughly an idea as to the condition of the bodies.

17 Q. Doctor, what did you do then?

18 A. I examined these bodies in order to determine if
19 there were any puncture wounds or evidence if
20 some injury had been received?

21 Q. And taking body number 1 would you describe
22 what evidence you found with respect to puncture
23 wounds?

24 A. Approximately an eight millimeter puncture wound
25 was found at the level of the fourth rib just

1 below the breast bone.

2 Q Did you say an eight millimeter?

3 A Yes sir.

4 Q And could you translate that to inches?

5 A Yes sir, eight millimeters would be roughly
6 about 8/25ths of an inch, again in fractions
7 that would be about three-fourths of an inch.

8 BY THE COURT:

9 Did you find some object in this wound?

10 BY THE WITNESS:

11 A No sir.

12 BY MR. DOAR:

13 Q Doctor, did you examine body number 2 for puncture
14 wounds?

15 A Yes sir.

16 Q What did you find?

17 A I found a similar puncture wound, similar in
18 location on the right side of the rib line in
19 the same general area, right at the fourth rib.

20 Q Are you able to translate the level of the fourth
21 rib onto a layman's, uh, give a layman a picture
22 of where that would be?

23 A Yes sir. I can show you on my own chest if that
24 would be all right?

25 Q Would you locate it for us?

1 A. Certainly. The second rib is here, and down
2 is the fourth rib right here.

3 Q. Just slightly to the right of the midline, is
4 that right?

5 BY MR. HENDRICKS:

6 We object to Counsel testifying.

7 BY THE COURT:

8 Overruled.

9 BY MR. DOAR:

10 Q. And about how far down from your tie would you
11 say that was?

12 A. You mean to the right?

13 Q. No, down from the top of your tie, the knot of
14 your tie?

15 A. I would say roughly six inches

16 Q. Did you find any other wounds in the body of
17 number 2?

18 A. No sir.

19 Q. What was the diameter of the wound there?

20 A. This was about a half an inch, in terms of
21 metric measurement it was fourteen millimeters
22 in diameter, that would be about a half an inch.

23 Q. And did you then examine the body number 3?

24 A. Yes sir.

25 Q. And what did you find with respect to wounds?

1 A. The first wound that I located was located in the
2 upper abdominal region on the left. Now, this
3 particular wound, I did not measure its diameter.
4 That was the only wound of entry that I found.

5 Q. What did you do then, doctor?

6 A. Well then I tried to trace a track or line of
7 penetration from these wounds of entry to a
8 specific ----(witness lowered voice and reporter
9 did not get)

10 Q. Had you at that time examined the x-rays that you
11 took?

12 A. I examined the x-rays before I started to
13 examine the wounds or to locate these entries
14 of these wounds.

15 Q. Do you have those x-rays with you?

16 A. I do.

17 Q. And would you hand to the Clerk the four groups
18 of x-rays that I asked you to pull out and have
19 ready here this morning? Your Honor, I would like
20 to show these to defense Counsel, there is one
21 x-ray of body number 1; one x-ray of body number
22 2; and one x-ray of body number 3, in each of
23 the x-rays they show clearly and distinctly a
24 metallic object.

25 BY MR. BUCKLEY:

1 If it please the Court, I object to Counsel testifying
2 about----

3 BY THE COURT:

4 Yes, I'll sustain the objection. You may need to
5 authenticate these x-rays at this point and then you
6 may show them to Counsel.

7 BY MR. DOAR:

8 Q Doctor, these x-rays that you hold your hand, these
9 four x-rays, are they clear and accurate x-rays
10 of the bodies of the three bodies that you examine
11 on the morning of August the 5th, 1964?

12 A They are. I have had these x-rays in my possession
13 since the time they were taken until right now.
14 I can testify that these are the x-rays of the
15 three bodies that I examined.

16 Q And do they accurately reflect a x-ray picture
17 of the bodies on which you performed an autopsy
18 on?

19 A These served my purpose of the x-ray examination

20 BY THE COURT:

21 You are not answering his questions, listen to his
22 question, please.

23 BY MR. DOAR:

24 Q I said were they an accurate x-ray picture of the
25 bodies that you examined?

1 A. These are the x-rays of the bodies. Whether they
2 are accurate they represent x-rays of the three
3 bodies. They are true x-rays, they have to be
4 considered as distortions because they are not
5 made for any specific purpose other than to de-
6 monstrate the presence of a metallic object.

7 BY THE COURT:

8 He's not asking you an offending question at all,
9 you don't need to defend yourself nor your machine
10 but he would like to know whether those are true
11 and accurate and complete x-ray pictures of the
12 objects which the x-ray machine was taking the picture
13 of? That's all he's asking you.

14 BY THE WITNESS:

15 I would have to say yes, they are true and accurate
16 pictures.

17 BY MR. DOAR:

18 May I show them to Counsel?

19 BY THE COURT:

20 Yes, show them to Counsel.

21 BY MR. DDAR:

22 Your Honor, I have a cloth and an x-ray machine
23 here that would light up and be easy for the jury
24 to review it if the Court will permit it.

25 BY THE COURT:

1 BY THE COURT:

2 Well, let's see. Can that machine be put back where
3 Counsel can see it and the Jury can see it?

4 BY THE MARSHAL

5 Judge, I think if we could get a table to set it on
6 we could put it right here. I have some paper to
7 set it on and I think if we put it right here every-
8 body could see it.

9 BY THE COURT:

10 All right. I don't believe the lawyers will know
11 anymore about those x-rays after they get through
12 looking at them than they do right now, so let's
13 get going. How many pictures do you have there?

14 BY MR. DOAR:

15 Four, Your Honor.

16 BY THE COURT:

17 They may be entered and be marked and start talking
18 about them. Give her those pictures in the order
19 you want them to be marked.

20 BY MR. DOAR:

21 Doctor, would you arrange those as to body 1, 2,-----

22 BY MR. ALFORD:

23 Objection Your Honor, we would like to interpose
24 an objection here since the doctor has stated by
25 his own admission they are distorted.

1 BY THE COURT:

2 I didn't understand what you said about distorted?

3 BY MR. ALFORD:

4 The witness said is was a distortion.

5 BY THE COURT:

6 I don't think he said that, I'll overrule that.

7 BY MR. HENDRICKS:

8 May it please the Court, he said they were made
9 pictures of the bodies, and they are just pictures
10 of particular areas of bodies and he was in error
11 there, and we also say the x-rays were made of
12 the bodies before they were removed from the bag,
13 and these are just particular portions of the body.

14 BY THE COURT:

15 Yes, well you may ask him about that on cross-
16 examination.

17 BY THE ATTORNEY DOAR:

18 Q. Would you hand to the Clerk x-ray number three
19 and identify that x-ray.

20 (Whereupon exhibit entered into evidence and
21 marked P-50) (P-51) and P-52 and P-53)

22 BY THE COURT:

23 All right I will let the Clerk tell us for the
24 record what numbers she is putting on which particular
25 x-ray)

1 BY THE CLERK:

2 P-50 for body number 3;

3 BY MR. DOAR:

4 Now will you hand the Clerk x-ray number, uh for
5 the other x-ray for body number 3?

6 BY THE CLERK:

7 This one is numbered P-51.

8 BY MR. DOAR:

9 Will you hand the Clerk the x-ray for body number 2?

10 BY THE CLERK:

11 Numbered P-52.

12 BY MR. DOAR:

13 Will you hand the Clerk the x-ray for body number 1?

14 BY THE CLERK:

15 Numbered P-53.

16 BY THE COURT:

17 When we take a recess I want that exhibit number 29
18 or 19 or whatever the number of it removed unless
19 you have some further use for it. I don't see any
20 use leaving it up in the courtroom.

21 BY MR. DOAR:

22 Q Docot, would you place P-50 in the xray machine---

23 BY THE COURT:

24 Counsel may get around where you may see it if you
25 want to.

1 BY THE WITNESS: (Showing X-rays)

2 This particular x-ray is the head view of body number
3 3, and it shows a metallic particle lying in the
4 center of the skull.

5 Q Did you, in the course of your examination, re-
6 cover that metallic object?

7 A Yes sir.

8 Q Do you have that with you?

9 A Yes sir.

10 Q Now, would you place exhibit number 51 in the
11 xray machine and read that x-ray.

12 A This x-ray shows two metallic particles, one
13 here and one here.

14 BY MR. HENDRICKS:

15 What body is that?

16 BY THE WITNESS:

17 This is still body number 3.

18 BY MR. DOAR:

19 Q You are pointing first to where?

20 A This is of the upper chest on the left side.

21 Q Could you identify there for the Court and Jury
22 the vertebra or backbone?

23 A Yes sir. This is the line of bones running up
24 and down here.

25 Q Could you identify the rib for the court and

1 Jury?

2 A. Yes sir. These bones here are running horizonital
3 down slightly, or the rib cage representing an
4 individual rib.

5 Q. What are the two bones appearing running diagonall
6 from the upper left down to the lower end of
7 the picture.

8 Q. This is the bones of the forearm.

9 Q. Could you again point out the two metallic objects

10 A. Here's one and here is the other.

11 Q. There appears to be in the picture a similar
12 mark or to the density of the two metallic objects
13 that you have described, you are now pointing to
14 those two marks?

15 A. Yes sir.

16 Q. Did you determine what they were?

17 A. No sir, I did not. They were not metallic and
18 I did not specifically analyze those, but I can
19 state that they were not of metallic origin.

20 Q. Now will you take government's exhibit 2, excuse
21 me, exhibit 52 and place that in the x-ray
22 machine and read that x-ray for the Court and
23 Jury.

24 Q. This is an x-ray taken of the chest of body number
25 2, and this shows a metallic particle located

1 over the backbone.

2 Q About what rib would that be?

3 A This would be about the sixth rib that attaches
4 to the vertebra.

5 BY THE COURT:

6 What is the size of that particle that you are talking
7 about?

8 BY THE WITNESS:

9 Sir, I have those metallic objects here.

10 BY THE COURT:

11 Would you give the jury some idea for the record
12 here, you see we are making a record here.

13 BY THE WITNESS:

14 Yes sir, it would be from about seven to eight
15 millimeters in diameter. I did not measure their
16 lengths.

17 BY THE COURT:

18 All right.

19 BY MR. DOAR:

20 Q Now would you take exhibit number 53 and place
21 in the x-ray machine and explain that to the
22 Court and Jury?

23 A This is a chest view of body number 1, and it
24 shows another metallic particle located here.

25 Q When you say located here where do you mean on

1 the picture?

2 A. This lies in an area which is superposed over
3 the ribs on the left side of the chest cage or
4 rib cage.

5 Q. Where is it in relationship to the heart area?

6 A. Well the heart would lie here in this general
7 area here.

8 Q. Did you recover that metallic object?

9 A. Yes sir.

10 Q. And you have that object with you?

11 A. Yes sir.

12 Q. That's all the questions I have with regard to
13 the x-rays, Your Honor.

14 BY THE COURT:

15 All right.

16 BY MR. DOAR:

17 Now Dr. Featherstone, would you return to the
18 witness stand please?

19 (Witness returns to witness stand)

20 Q. Would you hand to the Deputy Marshal the five
21 metallic objects that you recovered from the
22 bodies?

23 A. Yes sir.

24 Q. Would you hand those to the Clerk for marking,
25 handing the object that you recovered from body

1 number 1 first? Then the body you recoevered
2 from body number 2 next, and then the three objects
3 you recovered from body number 3 last.

4 (Objects handed to Clerk)

5 BY MR. ALFORD:

6 If it understand him, Your Honor please, is this
7 just for marking?

8 BY THE COURT:

9 That's all he'a asked for.

10 BY MR. DOAR:

11 I would like to----

12 BY THE COURT:

13 I don't see much point in marking something for
14 identification----

15 BY MR. DOAR:

16 I'm sorry, Your Honor, I would like to offer those
17 in evidence.

18 BY MR. ALFORD?

19 Your Honor please, we would object first on the grounds
20 they have not been properly authenicated nor where
21 they have been since they were removed.

22 BY THE COURT:

23 I'll let you ask the doctor about that.

24 BY MR. DOAR:

25 Q. Doctor, did you while these objects were in your

1 possession make any kind of identifying mark on
2 them?

3 A. Yes sir.

4 Q. What did you do with the objects after you removed
5 them?

6 A. I gave them to Mr. Jay Cochran.

7 Q. He's the Agent for the Federal Bureau of Investi-
8 gation?

9 Q. When did you next see these objects?

10 A. Yesterday afternoon.

11 Q. Did you or not examine the objects?

12 A. Yes sir.

13 Q. What did you find?

14 A. The original markings that I placed on them.

15 Q. And are those five objects the five objects that
16 you removed from the three bodies?

17 A. Yes sir.

18 Q. I would like to offer exhibit 54 through 58
19 into evidence.

20 BY MR. ALFORD:

21 We interpose and objection to the introduction of
22 these objects on the grounds that they have not been
23 in his possession, and on his statements he only
24 placed his markings on them is all.

25 BY THE COURT:

1 You may ask him about the time.

2 BY MR. DOAR:

3 Q Tell me whether or not they are in the same
4 condition as they were when you had them?

5 A. N^o sir.

6 BY MR. ALFORD:

7 We object.

8 BY THE COURT:

9 Go along, he said they weren't in the same condition.

10 BY MR. DOAR:

11 Q I would like to have them remain marked for
12 identification.

13 BY THE COURT:

14 Doctor, what is the change that you notice?

15 BY THE WITNESS:

16 Of the five particles or bullets, four of them have
17 a little portion of them removed from the front part,
18 that's all.

19 BY THE COURT:

20 Do you recognize them being the same bullets that
21 you removed from these bodies?

22 BY THE WITNESS:

23 Yes sir.

24 BY THE COURT:

25 Is there any doubt in your mind about that?

1 BY THE WITNESS:

2 No sir.

3 BY THE COURT:

4 I'll let them be entered into evidence and be
5 marked.

6 BY MR. ALFORD:

7 May we have an objection Your Honor.

8 BY THE COURT:

9 Yes sir and I'll overrule your objection.

10 (Exhibits remained in evidence) (Marked P-54, P-55,
11 P-56, P-57 & p-59)

12 BY THE COURT:

13 Doctor, I notice when you were explaining these
14 x-rays you spoke repeatedly of particles and in
15 answer to my last question you referred to them as
16 bullets? Which are they?

17 BY THE WITNESS:

18 Sir, they are bullets. Until I have them in my hand
19 I would refer to them as objects, particles or
20 metallic substances.

21 BY THE COURT:

22 You recognize them as being bullets?

23 BY THE WITNESS:

24 Yes sir.

25 BY THE COURT:

1 Do you know what kind of bullets they were?

2 BY THE WITNESS:

3 No sir.

4 BY THE COURT:

5 You don't know where they are rifle bullets or
6 pistol bullets?

7 BY THE WITNESS:

8 No sir.

9 BY MR. DOAR:

10 Q Doctor in connection with your examination of
11 body number 1 what did you do then?

12 A The first thing that I did of course was to remove
13 a particle of skin and flesh around this puncture
14 wound that I have already described on the right
15 side of the chest at the level of the fourth rib,
16 then I made an incision in order to find out where
17 this puncture wound left or where it extended
18 and entereding the body I was able to find another
19 area where there was an opening through the
20 pericardial sack, the left chest cavity and went
21 out of the chest cavity on the back side on the
22 left side of the chest where it went through
23 the eighth rib on the back side of the left chest
24 about 120 Millimeters, that would be roughly
25 about six, five to six inches to the left

1 of the attachment of the rib to the backbone.

2 Q About how far down from the shoulder would that
3 be?

4 A Well, it would be roughly in the region covering
5 part of the shoulder blade, underneath the shoulder
6 blade on the left. Well actually after I had
7 found that there was a hole through the rib on
8 the back side I followed an opening underneath
9 the left arm pit from this hold on the left back
10 side of the armpit and that's where I found the
11 bullet that I have marked as number 1.

12 Q Did you determine the cause of death of body
13 number 1?

14 A Not precisely. I couldn't do that before of the
15 advanced decomposition and deterioration of the
16 body.

17 Q Were you able to see where the path of the bullet
18 went?

19 A By connecting the wound of entry with the wound
20 of exit, I have a very good idea of the bullet,
21 or pattern the bullet pursued across the soft
22 tissues of the chest.

23 Q What affect would a bullet that pursued that path
24 have on the life of a human being?

25 BY MR. WEIR:

1 We object to that, if YOur Honor please, as to his
2 ideas, now if it is a medical opinion or something
3 it would be different.

4 BY THE COURT:

5 I understand that he's asking for his medical
6 opinion and I'll let him answer and give his
7 medical opinion.

8 BY ~~THE COURT~~ Mr. Weir

9 May I have a continuing objection?

10 BY THE COURT:

11 Its not but one question.

12 BY MR. WEIR:

13 I took it that he might ask some additional
14 questions along the same line.

15 BY THE COURT:

16 Well let's see. I hesitate to grant a continuing
17 objection, I don't know what the course of his
18 examination will be, I'll wait and see and if so
19 I'll grant you a continuing objection.

20 BY MR. WEIR:

21 I'll wait and see, Your Honor.

22 BY THE WITNESS:

23 A It is my medical opinion that a bullet pursuing
24 this course would have had to penetrate the
25 heart and could have resulted in no outcome

1 other than death.

2 Q And is that medical opinion to a reasonable
3 medical certainty?

4 A Yes sir.

5 Q Did you then examine body number 2?

6 A Yes sir.

7 Q Let me withdraw that question. When you cut the
8 flesh around the puncture wound of body number
9 1 what did you do with that flesh?

10 A I put it in a small container which again was
11 given to the custody of Mr. Jay Cochran, the
12 F. B. I. Agent.

13 Q What would you describe as the dimension of that
14 flesh?

15 A Well the skin and tissues, it was roughly
16 one and one and a half to two inches in diameter.

17 BY THE COURT:

18 What did that skin show that you kept the evidence of?
19 Did you understand my question? Listen to me please.
20 My question is, what did that skin that you cut off
21 flesh that you cut off show that you sought to
22 preserve it for evidence?

23 BY THE WITNESS:

24 It showed only the puncture wound of entry.

25 BY MR. DOAR:

- 1 Q Did you examine it microscopically?
- 2 A No sir.
- 3 Q What was the thickness of that flesh?
- 4 A I'm sorry, I didn't measure the thickness.
- 5 Q Can you tell me approximately?
- 6 A About three-quarters of an inch.
- 7 Q What did you do in the course of your examination
- 8 of body number 2?
- 9 A I pursued essentially the same type of examination
- 10 first removing a square of skin containing the
- 11 puncture which I have described as approximately
- 12 one-half inch on the right side of the chest
- 13 and to the attachment of the fourth rib to the
- 14 breastbone.
- 15 Q What if anything did you do with that piece of
- 16 flesh that you removed?
- 17 A I put it in a container and put it in the custody
- 18 of Mr. Cochran.
- 19 Q And then what did you do?
- 20 A Following this I opened the chest and determined
- 21 the location of the second bullet. This was
- 22 located as I indicated on the x-ray sixth inter-
- 23 space line.
- 24 Q Doctor, for the record that would be exhibit
- 25 number 55, the second bullet?

1 A Yes sir.

2 Q And did you, could you describe the path of
3 that bullet through the body of number 2?

4 A Again that specific bullet number 2 which entered
5 on the fourth interspace and lodged in the
6 backbone would have had to cross the position
7 occupied by the heart.

8 Q And what affect would that bullet passing through
9 that path by the heart have on the life of a
10 mortal being?

11 A This particular bullet in my medical opinion could
12 have resulted in only one result, and that is
13 death of the person whose body it passed through.

14 Q Did you make any further examination of body
15 number 2?

16 A Only for the purpose of identification.

17 Q Then did you examine the body of number 3?

18 A Yes sir.

19 BY THE COURT:

20 Let me ask you this doctor about body number 2. I
21 notice that you said bullet could have resulted in
22 death, what would you say to the probabilities,
23 medical probabilities as to whether it would affect
24 the life of body number 2?

25 BY THE WITNESS:

1 The path that this bullet pursued could have resulted
2 only in death of the person whose body I examined.

3 BY MR. DOAR:

4 Q. Now, did you examine body number 3?

5 A. Yes sir.

6 Q. And what did you find there?

7 A. The first thing I discovered was the puncture
8 wound that I described as being located in the
9 left upper abdominal wall. By opening the body
10 incidentlly, I took a square of skin and tissues
11 again, roughly the same size as that which I have
12 previously described on bodies 1 and 2, and after
13 doing that I opened the abdominal cavity and
14 the chest cavity and alook at a tract or an
15 opening which went through chest cavity on the
16 posterior rib cage on the left side, the region
17 where the eighth rib attaches to the backbone.
18 At this particular point I knew that the tract
19 extended between the eighth and ninth rib and I
20 had to cut these ribs away and after doing that I
21 could feel in the soft tissues of the back a
22 hard particle. Then I turned the body over and
23 made a. very superficial incision on the back
24 and recovered a bullet which I called number 3.

25 Q. Is that builet number 3 the bullet that has been